

REMARKS

In the Office Action dated October 23, 2003, claims 1-20 and 22-28 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,493,539 (Falco).

Applicant notes that the § 102(e) date of Falco is July 28, 1999. The present application claims the benefit under § 119(e) of U.S. Provisional Patent Application Serial No. 60/122429, filed March 1, 1999, which is earlier than the § 102(e) date of Falco. Therefore, Falco does not qualify as prior art against the present invention.

Moreover, Applicant also notes that Falco does not disclose the subject matter of any of the claims of the present application. Claim 1 recites a method that transmits control signaling in time slots adjacent *time slots allocated as guard periods* to protect control signaling in a time slot of a first cell segment from interference by traffic signaling in another time slot of a neighboring cell segment. The Office Action pointed to the passage in column 7, lines 1-15, and Figures 7(a) and 7(b) of Falco as disclosing this element of claim 1. Applicant respectfully disagrees. The Office Action stated that the control signaling SYNC, SACCH, and CDL transmitted in the uplink (as disclosed in Falco) is adjacent time slots allocated as guard periods G (in the downlink channel). However, a careful reading of Falco indicates that the slot format illustrated in Figure 7(a) of Falco actually carries both data and control signaling. As described in column 7, Figure 7(a) illustrates the slot format for mobile station to base station messaging, and Figure 7(b) illustrates the slot format for base station to mobile station messaging. Therefore, neither of the time slots illustrated in Figures 7(a) and 7(b) is allocated as a guard period, since the time slots are intended to carry actual messaging. Therefore, Falco clearly does not disclose the subject of claim 1.

With respect to independent claim 11, Falco does not disclose communicating control signaling in predetermined time slots of predetermined frames, and communicating idle periods in time slots adjacent the predetermined time slots of the predetermined frames.

With respect to claim 17, Falco does not disclose a controller to define guard periods each including at least one time slot to protect control signaling communicated in a time slot from interference due to overlap of time slots in neighboring cell segments.

With respect to independent claim 22, Falco fails to disclose receiving control signaling in a first time slot adjacent a second time slot defined as part of a guard period to reduce likelihood of interference caused by overlap of time slots. With respect to independent claim 24, Falco fails to disclose a control unit to receive control signaling carried in time slots adjacent time slots defined as guard periods.

With respect to independent claim 25, Falco fails to disclose allocating predetermined time slots as guard periods to reduce likelihood of interference of signaling due to interference of signaling due to overlap of time slots between neighboring cell segments.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0004US).

Respectfully submitted,

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Date



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